

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

CHAMBER OF COMMERCE OF THE)	
UNITED STATES OF AMERICA, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Civil Action No. 3:16-cv-1476-M
v.)	Consolidated with:
)	3:16-cv-1530-C
THOMAS E. PEREZ, SECRETARY OF)	3:16-cv-1537-N
LABOR, and UNITED STATES)	
DEPARTMENT OF LABOR,)	
)	
Defendants.)	
)	

**DEFENDANTS' COMBINED CROSS-MOTIONS FOR SUMMARY
JUDGMENT AND OPPOSITION TO PLAINTIFFS' MOTIONS
FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56, the United States Department of Labor and Thomas E. Perez, Secretary of the Department of Labor, (collectively, “Defendants”) cross-move for summary judgment in the three consolidated cases—in the case originally docketed as No. 3:16-cv-1476-M (“Chamber of Commerce” or “Chamber” plaintiffs), the case originally docketed as No. 3:16-cv-1530-C (“American Council of Life Insurers” or “ACLI” plaintiffs), and the case originally docketed as No. 3:16-cv-1537-N (“Indexed Annuity Leadership Council” or “IALC” plaintiffs). Defendants also oppose the three motions for summary judgment filed by the plaintiffs in each of these cases on the same grounds. Defendants are entitled to summary judgment on all counts in the three complaints for the reasons stated in Defendants’ attached memorandum. Defendants have filed a proposed order with this opposition and cross-motion.

Dated: August 19, 2016

Of Counsel:

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/s/ Galen N. Thorp
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CERTIFICATE OF SERVICE

On August 19, 2016, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties to the three actions electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Galen N. Thorp
GALEN N. THORP